IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 36182 of 2007(G)

AGAINST THE ORDER IN EA.115/2006 IN
OS.31/2000 of MUNSIFF COURT, VADAKARA

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PETITIONER:

P. BHARATHAN ,S/O. KORUMBAN,
POYIL VEETTIL, CHORODE VILLAGE,
CHENNAMANGALAM DESOM,. VATAKARA TALUK.

BY ADV. SRI.MOHANAN V.T.K.

RESPONDENTS:

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1. KUNNOTH LATHA,D/O. KANARAN, KALLALATHIL
PUTHUPPANAM AMSOM DESOM, VATAKARA TALUK
P.O. PUTHUPPANAM (CLAIM PETITIONER)

2. P.RAGHAVAN,S/O. KORUMBAN, POYIL CHORODE
VILLAGE, CHENNAMANGALAM DESOM.

3. P.VIJAYAN,S/O.KORUMBAN,
POYIL,CHORODE VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.36182 OF 2007

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Dated this the 7th day of December 2007

JUDGMENT

This writ petition is preferred against the order of the Munsiff's Court, Vatakara in E.A.No.115/2006 in E.P.No.53/2002 in O.S.No.31/2000. It was an application filed by the plaintiff to send the document to a finger print expert for a second time. The court, after considering the entire materials, disallowed the prayer. The main grievance of the petitioner is that the original thumb impression was never sent for comparison but only photograph of the thumb impression was sent. Whatever it may be, the court has sent the matter for finger print expert's opinion and a report is received. If the court finds that there are no sufficient materials to satisfy the conscience of the court that the present finger print expert's report cannot be accepted, then the court is at liberty to call for the report of another finger print expert and decide the matter. Until and unless there is some other materials to show that the present report is wrong, it may not be correct for the court to call for another report because it will be a never ending process. Therefore, I decline to interfere with the decision of the

court below at this stage. But, I make it very clear that the petitioner is at liberty to prove the incorrectness of the finger print expert's report and when the court is satisfied that it is not scientifically acceptable, the court below can consider the matter again and refer to another finger print expert's opinion, that too with the original of the thumb impression.

With the above observations, writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-